

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 2043.022WO1		Date of mailing (day/month/year) 16 MAR 2005
International application No. PCT/US04/38096		FOR FURTHER ACTION See paragraph 2 below
International filing date (day/month/year) 15 November 2004 (15.11.2004)	Priority date (day/month/year) 20 November 2003 (20.11.2003)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): G06F 17/60 and US Cl.: 705/10		
Applicant EBAY, INC.		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

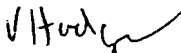
2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Tariq R. Hafiz  Telephone No. (703) 308-1113
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Form PCT/ISA/237 (cover sheet) (January 2004)

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>2-9, 11-24</u>	YES
	Claims <u>1, 10</u>	NO
Inventive step (IS)	Claims <u>8, 15, 18, 20-22</u>	YES
	Claims <u>1-7, 9-14, 16, 17, 19, 23</u>	NO
Industrial applicability (IA)	Claims <u>1-24</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The drawings are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or content thereof: item 28, 41, 714, 810, 824, 826, and 916 are not referenced in the disclosure.

The drawings are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or content thereof: Figure 9 is missing complete description in blocks 902 and 914. Block 904 should read -- PRESENT INITIAL RESPONDENT MFW UI --, and block 914 should be -- PRESENT RESPONDENT REVIEW MFW UI --.

The description is objected to as containing the following defect(s) under PCT Rule 66.2(a)(iii) in the form or contents thereof: On page 10, line 14, delete "(processing block 716)" and insert --(processing block 714) --; on page 14, line 15, delete "(processing block 828)", and insert --(processing block 824) --.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1 and 10 lack novelty under PCT Article 33(2) as being anticipated by eBay (eBay, eBay Feedback Removal Policy, 19 June 2000 [online - Internet Archive WaybackMachine - retrieved on 14 February 2005 - URL: <http://pages.ebay.com/help/community/fbremove.html>]). eBay discloses feedback cancellation in a network-based transaction facility comprising:

[Claim 10] receiving a request to cancel feedback pertaining to a transaction in a network-based transaction facility from a first party to the transaction (Para 3, eBay teaches contacting eBay by writing safeharbor@ebay.com <<mailto:safeharbor@ebay.com>> and seek review if you believe that another user has left feedback for you that meets one or more of the criteria. If eBay agrees with you, it will remove the feedback.);

determining whether one or more feedback cancellation criteria are satisfied (Para 3-13, eBay teach circumstances (criteria) where eBay will consider removing feedback.); and

cancelling the feedback pertaining to the transaction if the one or more feedback cancellation criteria are satisfied (Para 3, eBay teaches that if eBay agrees with you, it will remove the feedback.).

Claim 1 substantially recites the same limitations as that of claim 10 with the distinction of the recited method being an apparatus. Hence the same rejection for claim 10 as applied above applies to claims 1.

Claims 2-7, 9, 11-14, 16, 19, and 23-24 lack an inventive step under PCT Article 33(3) as being obvious over eBay (eBay, eBay Feedback Removal Policy, 19 June 2000 [online - Internet Archive WaybackMachine - retrieved on 14 February 2005 - URL: <http://pages.ebay.com/help/community/fbremove.html>]) in view of SquareTrade (SquareTrade, How SquareTrade's Dispute Resolution Can Help Resolve Feedback Disputes, 12 March 2001, 18 June 2001, and 08 August 2002 [online - Internet Archive WaybackMachine - retrieved on 14 February 2005 - URL: http://www.squaretrade.com/eb/eBay_nf_020801.html]). As to claim 11, eBay discloses feedback cancellation in a network-based transaction facility but fails to teach determining that a second party to the transaction agrees to cancel the feedback pertaining to the transaction. SquareTrade teaches eBay will consider your request for feedback removal when SquareTrade notifies eBay that you have reached an agreeable resolution with the other party (Para 3). It would have been obvious to one of ordinary skill in the art to include SquareTrade's agreement solution with the teachings of eBay since eBay teaches that it is old and well known in the art to have a feedback removal policy (eBay: Title). Both eBay and SquareTrade address how to resolve feedback disputes on eBay so the feedback can be removed, therefore the motivation to combine is based on the nature of the problem to be solved.

[Claim 12] wherein the feedback pertaining to the transaction includes at least one of a feedback comment left by the first party for a second party to the transaction and a feedback comment left by the second party for the first party (SquareTrade: Para 1 and 3, SquareTrade teaches that if you have received feedback that you disagree with and want to have it remove, you can work with

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SquareTrade (eBay's preferred online dispute resolution provider) to try and resolve the underlying problem with the other eBay user. eBay will consider your request for feedback removal when SquareTrade notifies eBay that you have bought or sold an item that does not violate eBay policy.);

[Claim 13] identifying a second party to the transaction based on input provided by the first party (SquareTrade: Para 1 and 3, SquareTrade teaches that if you have received feedback that you disagree with and want to have it remove, you can work with SquareTrade (eBay's preferred online dispute resolution provider) to try and resolve the underlying problem with the other eBay user.);

presenting to the first party information identifying the second party and the feedback pertaining to the transaction (SquareTrade: Para 7-9, SquareTrade teaches entering complaint details on SquareTrade's secure and confidential Web site. SquareTrade will send notification email to the other party who can then respond to your complaint in a secure are on the SquareTrade Web site. When you receive a response, log in and request a SquareTrade Mediator.); and

receiving a confirmation of the request to cancel feedback from the first party (SquareTrade: Para 10, SquareTrade teaches when you and the other eBay user have reached a resolution and completed all terms of that resolution as outlined by your mediator, SquareTrade will notify eBay and your feedback will be removed).

[Claim 14] wherein the input provided by the first party includes an identifier of an item associated with the transaction (SquareTrade: Para 3, SquareTrade teaches eBay will consider your request for feedback removal when SquareTrade notifies eBay that you have bought or sold an item that does not violate eBay policy. Implicitly, an item is identified.).

[Claim 16] notifying a second party to the transaction about the request to cancel feedback (SquareTrade: Para 7-9, SquareTrade teaches SquareTrade will send notification email to the other party who can then respond to your complaint in a secure are on the SquareTrade Web site.).

[Claim 17] sending to the second party an email message informing the second party of the request to cancel feedback pertaining to the transaction (SquareTrade: Para 7-9, SquareTrade teaches SquareTrade will send notification email to the other party who can then respond to your complaint in a secure are on the SquareTrade Web site.).

[Claim 19] presenting to the second party information identifying the transaction for which the first party submitted the request to cancel feedback (SquareTrade: Para 3 and 7-9, SquareTrade teaches eBay will consider your request for feedback removal when SquareTrade notifies eBay that you have bought or sold an item that does not violate eBay policy. SquareTrade will send notification email to the other party who can then respond to your complaint in a secure are on the SquareTrade Web site.); and

receiving a confirmation of feedback cancellation from the second party (SquareTrade: Para 10, SquareTrade teaches when you and the other eBay user have reached a resolution and completed all terms of that resolution as outlined by your mediator, SquareTrade will notify eBay and your feedback will be removed).

[Claim 23] wherein the one or more feedback cancellation criteria includes at least one requirement selected from the group consisting of a requirement that at least one feedback comment pertaining to the transaction exist, a requirement that the request to cancel feedback be received before an expiration date of the transaction, a requirement that a second party to the transaction agree to cancel feedback before an expiration date of the request to cancel feedback, a requirement that each of the first and second parties be currently registered with the network based transaction facility, and a requirement that each of the first and second parties do not exceed a feedback cancellation limit (SquareTrade: Para 1 and 3, SquareTrade teaches that if you have received feedback that you disagree with and want to have it remove, you can work with SquareTrade (eBay's preferred online dispute resolution provider) to try and resolve the underlying problem with the other eBay user. eBay will consider your request for feedback removal when SquareTrade notifies eBay that you have bought or sold an item that does not violate eBay policy. Implicitly, one feedback comment pertaining to the transaction exist.).

[Claim 24] receiving a request to cancel feedback pertaining to a transaction in a network-based transaction facility from a first party to the transaction (eBay: Para 3, eBay teaches contacting eBay by writing safeharbor@ebay.com <mailto:safeharbor@ebay.com> and seek review if you believe that another user has left feedback for you that meets one or more of the criteria. If eBay agrees with you, it will remove the feedback.);

determining that a second party to the transaction agrees to cancel the feedback pertaining to the transaction (SquareTrade: Para 3, SquareTrade teaches eBay will consider your request for feedback removal when SquareTrade notifies eBay that you have reached an agreeable resolution with the other party.);

determining whether one or more feedback cancellation criteria are satisfied (eBay: Para 3-13, eBay teach circumstances (criteria) where eBay will consider removing feedback.); and

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In case the space in any of the preceding boxes is not sufficient.

canceling the feedback pertaining to the transaction if the one or more feedback cancellation criteria are satisfied (eBay: Para 3, eBay teaches that if eBay agrees with you, it will remove the feedback.).

Claims 2-7 and 9 substantially recites the same limitations as that of claims 11-14, 16, 19, and 23 with the distinction of the recited method being an apparatus. Hence the same rejection for claims 11-14, 16, 19, and 23 as applied above applies to claims 2-7 and 9.

Claims 1-24 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.